

UNITED STATE BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE

In re: Jason Perry Bostic

*
* Case No. 11-14363
*

Debtor(s)

* Chapter 13
*


OBJECTION BY DEBTOR TO A PORTION OF CLAIM #1
FILED BY BANK OF AMERICA, N.A.

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at 31 East 11th Street, Chattanooga, TN 37402, an objection within 30 days from the date this paper was filed and serve a copy on the movant's attorney, Richard L. Banks, PO Box 1515, Cleveland, TN 37364-1515. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

The debtor(s), per B.R. 3007, objects to a portion of claim #1 (Exhibit "A") filed on October 18, 2011 by Bank of America, N.A. Mail Stop TX2-982-03-03, 7105 Corporate Drive, Plano, TX 75024 in the amount of \$58,374.17. The debt to Bank of America, N.A. was discharged in Jerry Bostic's prior Chapter 7 (08-16233) (Exhibit "B"). The creditor has agreed to sell the property to the debtor in the amount of \$25,000.00 and paid in full through this Chapter 13 plan. The claim of \$58,374.17 to Bank of America, N.A. should be reduced to \$25,000.00.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully.

Date: *May 9, 2012*

/s/ 
RICHARD L. BANKS & ASSOCIATES, P.C.
Richard Banks #000617
Rebble Johnson #011548
Andrew B. Morgan #026879
PO Box 1515
Cleveland, TN 37364-1515
423-479-4188

CERTIFICATE OF SERVICE


I hereby certify that I have served a true and exact copy of the objection to claim on:

Jason Perry Bostic
PO Box 5538
Cleveland, TN 37320

C. Kenneth Still
Chapter 13 Trustee
PO Box 511
Chattanooga, TN 37402

Bank of America, N.A.
Mail Stop: TX2-982-03-03
7105 Corporate Drive
Plano, TX 75024

Date: *May 9, 2012*

/s/ 

RICHARD L. BANKS & ASSOCIATES, P.C.
Richard L. Banks #000617
Rebble S. Johnson #011548
Andrew B. Morgan #026879
PO Box 1515
Cleveland, TN 37364-1515
423-479-4188

FORM B Case 1:11-bk-14363

Claim 1

Filed 10/18/11

Desc Main Document

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UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM	
EASTERN DISTRICT OF TENNESSEE		CH 13	
Name of Debtor Jason Perry Bostic		Case Number 11-14363-SDR	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (The person or other entity to whom the debtor owes money or property): Bank of America, N.A. Successor by merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing LP Name and address where notices should be sent: Bank of America, N.A. Mail Stop: TX2-982-03-03 7105 Corporate Drive Plano, TX 75024		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Account or other number by which creditor identifies debtor: Loan Number: XXXX1246 Atty File #: 11-024927		Check here <input type="checkbox"/> replaces a previously filed claim, dated: if this claim <input type="checkbox"/> amends	
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input checked="" type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other: _____		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Your Social Security number _____ Unpaid compensation for services performed from _____ (date) to _____ (date)	
Secured Note on 2114 Broomfield Road Southeast, Cleveland, Tennessee 37323			
2. Date Debt was incurred December 2, 2002		3. If court judgment, date obtained:	
4. Total Amount of Claim \$58,374.17			
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.			
5. Secured Claim Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges Included in secured claim, if any \$58,374.17 PRINCIPAL BALANCE CLAIM NOT TO BE CONSIDERED A PAYOFF		6. Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4300),* earned within 90 days within filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a-____). Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY	
8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date October 18, 2011	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) /s/ Garmany Mejia By: Garmany Mejia Shapiro & Kirsch, LLP, 555 Perkins Road Extended, Second Floor, Memphis, TN 38117 (901)767-5566 FAX: (901) 767-8890	All creditors and their counsel who file a proof of claim are required to serve by first class mail a true copy of such proof of claim and all attachments thereto upon the Debtors Counsel or Record whose address is shown on the Notice of the Creditors Meeting <div style="border: 1px solid black; padding: 5px; width: 150px; margin: 0 auto;">Mail Executed Proof to</div>	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571. * Show Creditors SS# or Tax ID # and Office Code Here: _____ (To be used solely for purpose of processing claim. (Bank shows Bank Routing Number) If number not shown, claim cannot be processed.)			

Exhibit "A"

B18 (Official Form 18) (12/07)

United States Bankruptcy Court

Eastern District of Tennessee

Case No. 1:08-bk-16233

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Jason Perry Bostic
2114 Broomfield Road SE
Cleveland, TN 37323

Social Security / Individual Taxpayer ID No.:

xxx-xx-8904

Employer Tax ID / Other nos.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 2/19/09

/s/John C. Cook
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

Exhibit "B"